

# **EXHIBIT 7**

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL )  
5 PRESCRIPTION ) MDL No. 2804  
6 OPIATE LITIGATION )  
7 Case No.  
8 ) 1:17-MD-2804  
9 )  
10 THIS DOCUMENT RELATES ) Hon. Dan A.  
11 TO ALL CASES ) Polster  
12 )

13 FRIDAY, MAY 17, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Thomas  
18 Prevoznik, Volume III, held at the offices of  
19 WILLIAMS & CONNOLLY LLP, 725 Twelfth Street,  
20 NW, Washington, DC, commencing at 8:10 a.m.,  
21 on the above date, before Carrie A. Campbell,  
22 Registered Diplomate Reporter and Certified  
23 Realtime Reporter.

24 - - -

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1 VIDEOPHOTOGRAPHER: We are now on  
2 the record. My name is Dan Lawlor.  
3 I'm a videographer with Golkow  
4 Litigation Services.

5 Today's date is May 17, 2019,  
6 and the time is 8:10 a.m.

7 This video deposition is being  
8 held in Washington, DC, in the matter  
9 of National Prescription Opiate  
10 Litigation, MDL Number 2804.

11 The deponent is Thomas  
12 Prevoznik.

13 Counsel will be noted on the  
14 stenographic record.

15 The court reporter is Carrie  
16 Campbell and will now swear in the  
17 witness.

18  
19 THOMAS PREVOZNIK,  
20 of lawful age, having been first duly sworn  
21 to tell the truth, the whole truth and  
22 nothing but the truth, deposes and says on  
23 behalf of the Plaintiffs, as follows:

24 (Prevoznik Plaintiff Exhibit  
25 P17 marked for identification.

1 MR. EPPICH: Objection. Form.

2 Calls for speculation.

3 MR. FINKELSTEIN: Scope. Calls  
4 for speculation.

5 THE WITNESS: I believe we do.  
6 I believe they do.

7 QUESTIONS BY MS. SINGER:

8 Q. They do?

9 A. Yeah.

10 Q. And does DEA have that  
11 information?

12 MR. EPPICH: Objection.

13 THE WITNESS: If we subpoena  
14 it.

15 QUESTIONS BY MS. SINGER:

16 Q. Okay. But not in the regular  
17 course --

18 A. No.

19 Q. -- of identifying potential  
20 diversion?

21 A. Right.

22 Q. Now, does ARCOS data tell you  
23 whether a customer is near a hospital or a  
24 cancer center or a hospice treatment  
25 facility?

1           A.       No, it's just transactional  
2       data.

3           Q.       Okay. But distributors and  
4       manufacturers would learn that information in  
5       their due diligence on customers, correct?

6                   MR. EPPICH: Objection. Form.  
7       Foundation. Calls for speculation.

8                   THE WITNESS: Yes.

9       QUESTIONS BY MS. SINGER:

10           Q.       Okay. And when you get, for  
11       instance, a -- when you, DEA, gets, for  
12       instance, a big stack of ingredient limit  
13       reports, you can't tell from that whether  
14       orders of large numbers are by facilities  
15       that are near hospitals or oncology centers  
16       or anything like that, correct?

17                   MR. EPPICH: Object to the  
18       form.

19                   THE WITNESS: I'm sorry, could  
20       you repeat it?

21       QUESTIONS BY MS. SINGER:

22           Q.       So when you get, you know, a  
23       big stack of excess order reports or  
24       ingredient limit reports, you can't tell if a  
25       large order is from a customer that's near an

1 a combination.

2 And so in the example I  
3 would -- I would say is -- I think I've used  
4 it before was the veterinarian that is  
5 ordering Vicodin with the acetaminophen that  
6 is toxic to cats and dogs. So that in  
7 itself, an order of that, would be why are  
8 they doing that.

9 Q. But standing alone, without  
10 follow-up due diligence, it is not  
11 necessarily always possible to determine  
12 whether an order that is an unusual size,  
13 unusual pattern or frequency is, by itself,  
14 for that reason, indicative of diversion,  
15 correct?

16 MR. FINKELSTEIN: Asked and  
17 answered. Incomplete hypothetical.

18 THE WITNESS: Correct.

19 QUESTIONS BY MS. MAINIGI:

20 Q. And so some sort of follow-up  
21 due diligence needs to be done by the  
22 distributor or registrant, correct?

23 MR. FINKELSTEIN: Incomplete  
24 hypothetical. Asked and answered.

25 THE WITNESS: Right.

CERTIFICATE

I, CARRIE A. CAMPBELL, Registered  
Diplomate Reporter, Certified Realtime  
Reporter and Certified Shorthand Reporter, do  
hereby certify that prior to the commencement  
of the examination, Thomas Prevoznik was duly  
sworn by me to testify to the truth, the  
whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the  
foregoing is a verbatim transcript of the  
testimony as taken stenographically by and  
before me at the time, place and on the date  
hereinbefore set forth, to the best of my  
ability.

I DO FURTHER CERTIFY that I am  
neither a relative nor employee nor attorney  
nor counsel of any of the parties to this  
action, and that I am neither a relative nor  
employee of such attorney or counsel, and  
that I am not financially interested in the  
action.

*Carrie A. Campbell*

CARRIE A. CAMPBELL,  
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Notary Public

Dated: May 21, 2019